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Juvenile Delinquency Law

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have unreasonably created or increased the risk of injury to the tenant from the criminal activity of a third party.⁶⁶²

VIII. JUVENILE DELINQUENCY LAW

A. *Restitution*

Justice McHugh held in *State v. M.D.J.*⁶⁶³ that

[a] trial judge may order restitution as part of a “program of treatment or therapy” designed to aid in the rehabilitation of the child in a juvenile case when probation is granted under *W.Va. Code*, 49-5-13 [1978]. Such order, however, must be reasonable in its terms and within the child’s ability to perform.⁶⁶⁴

B. *Substance Abuse*

Justice McHugh held in *State ex rel. M.K. v. Black*⁶⁶⁵ that “[u]nder the provisions of *W.Va. Code*, 16-1-10(19) [1983], *W.Va. Code*, 27-1A-11 [1983], and *W.Va. Code*, 27-5-9 [1977], the West Virginia Department of Health, through its Director and other personnel, has an affirmative duty to provide a comprehensive program for the care, treatment and rehabilitation of juvenile substance abusers.”⁶⁶⁶

IX. LAWYER DISCIPLINARY LAW

A. *West Virginia Supreme Court of Appeals Authority to Regulate the Practice of Law*

Justice McHugh commented upon the West Virginia Supreme Court of Appeals’ authority to regulate the practice of law in *Committee on Legal Ethics of West Virginia State Bar v. Ikner*.⁶⁶⁷ The court held:

Under the authority of the Supreme Court of Appeal’s inherent power to supervise, regulate and control the practice of law in this State, the Supreme Court of Appeals may suspend the license of a lawyer or may order such other actions as it deems appropriate, after providing the lawyer with notice and an opportunity to be

⁶⁶² *Id.* at Syl. Pt. 6.

⁶⁶³ 289 S.E.2d 191 (W. Va. 1982).

⁶⁶⁴ *Id.* at Syl.

⁶⁶⁵ 318 S.E.2d 433 (W. Va. 1984).

⁶⁶⁶ *Id.* at Syl.

⁶⁶⁷ 438 S.E.2d 613 (W. Va. 1993).